

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

PRO SE LITIGANT GUIDE

Office of the Clerk of Court

January 2001

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INTRODUCTION

This guide is designed to assist you if:

- (i) you want to file a lawsuit in federal court or you have an active role, either as a plaintiff or defendant, in a case that has already been filed by you or someone else, and
- (ii) you have elected to proceed without the assistance of a licensed attorney.

SOME BASIC DEFINITIONS:

Plaintiffs and defendants in court cases generally are referred to as the “parties” or “litigants”. The plaintiff asserts a claim or right protected by law against the defendant; the defendant disputes the claim or right, and the court determines whether the asserted claims or rights have merit. The great majority of litigants who appear in this court are represented by an attorney who has been trained in the law and is familiar with the applicable court rules and procedures. Parties or litigants who are not represented by licensed attorneys, who elect to represent themselves, generally are referred to as *pro se* parties or *pro se* litigants. Likewise, plaintiffs or defendants who represent themselves generally are referred to as *pro se* plaintiffs or *pro se* defendants.

HOW THIS GUIDE SHOULD HELP YOU

This guide will not answer all your questions about what you need to do to represent yourself effectively as a *pro se* litigant. It will outline the basic steps that are required to properly file an action, or lawsuit, with this court. It also provides some general guidance on the next steps in the process of litigating the action once you have filed it with the clerk of court. **However, you are responsible for learning about and following the procedures that govern the court process. Although the staff of the clerk’s office can provide *pro se* litigants with general information concerning court rules and procedures, they are forbidden, as a matter of law, from providing legal advice, from interpreting and applying court rules, or otherwise participating, directly or indirectly, in any action.**

THINGS TO KEEP IN MIND

Self-representation carries certain responsibilities and risks that *pro se* litigants should be aware of before they proceed. The court encourages all individuals who are thinking about *pro se* or self-representation to carefully review the risks associated with self-representation and to inform themselves of the potential consequences.

Rule 11 of the Federal Rules of Civil Procedure prohibits the filing of lawsuits that are clearly frivolous or filed merely to harass someone. If after reviewing your complaint, the court determines that you have filed a lawsuit for an improper or clearly unnecessary purpose, it may impose sanctions against you, which may include ordering you to pay a fine to the court or pay the legal fees of the person or persons against whom you filed the lawsuit or by striking claims.

SECTION 1

IMPORTANT ISSUES YOU SHOULD CONSIDER BEFORE YOU DECIDE TO REPRESENT YOURSELF IN AN ACTION BEFORE THIS COURT

IS THIS COURT THE APPROPRIATE COURT TO HEAR YOUR DISPUTE?

Federal courts can only hear limited kinds of cases. The United States District Court for the District of Wyoming is one of 94 trial courts in the federal court system. As is the case in all the federal trial courts, this court is authorized to hear disputes that fall into the following four categories only:

1. Those that deal with a question involving the United States Constitution.
2. Those that involve questions of federal law as opposed to state law.
3. Those that involve the United States of America as a party, whether as plaintiff or defendant.
4. Those that involve a dispute among residents of different states with an amount in controversy over \$75,000.

If your complaint does not fall under any of these categories, you cannot file it in federal court.

IS THERE AN ALTERNATIVE TO APPEARING *PRO SE* (REPRESENTING YOURSELF) THAT IS AFFORDABLE?

Most people who file and pursue litigation in federal court employ a licensed attorney who practices law, has appeared in court and who is familiar with the rules of procedure that govern court processes. If you would prefer to have an attorney to represent you but you are unable to afford one, you should consider contacting the Wyoming State Bar's Lawyer Referral Service (telephone number 307/632-9061) whose staff can explain the various options for obtaining and paying for legal services.

There are other affordable options for legal assistance, including legal aid societies and legal services, that can assist you to obtain the services of an attorney at a reduced cost. A listing of these services is available from the Wyoming State Bar at the number listed above.

If you cannot find an attorney to represent you, you have the right to pursue your claims in the court by appearing without representation, or *pro se*, a Latin phrase that means "for yourself". Bear in mind that as a *pro se* litigant, you are representing only yourself and presenting only your claims or defenses. Under the law, you cannot speak for another person, a company or other entity such as a club or association that includes other individuals. When you appear *pro se*, you must follow the same rules and procedures that licensed attorneys who practice in this court must follow. Generally, judges hold *pro se* litigants to the same standards of professional responsibility as trained attorneys.

IF YOU PLAN TO REPRESENT YOURSELF, WHERE CAN YOU GO TO REVIEW THIS COURT'S RULES OF PROCEDURE AND APPLICABLE FEDERAL LAWS?

As a *pro se* litigant, you should be familiar with the federal rules of procedure. These rules set forth the procedural requirements for litigating cases in all federal courts. As a *pro se* litigant in a **civil case**, you should be familiar with the Federal Rules of Civil Procedure (abbreviated as Fed.R.Civ.P.) and the Federal Rules of Evidence (abbreviated as F.R.E.). If you are a *pro se* defendant in a criminal case, you should familiarize yourself with the Federal Rules of Criminal Procedure (abbreviated as Fed.R.Crim.P.) and the Federal Rules of Evidence. Federal laws are found in the United States Code (abbreviated as U.S.C.). These rules and laws are available for review at law libraries. You should contact them to determine the hours they are open to the public.

- a. The Wyoming State Law Library located in the Wyoming Supreme Court Building in Cheyenne.
- b. The University of Wyoming College of Law Library on the University of Wyoming campus.

County libraries also have some law books available. Check with your local county library about availability.

The federal rules are available on the internet at www.house.gov/judiciary/docs105.htm.

As a *pro se* litigant, you also should be familiar with the District Court Local Rules that apply specifically to court proceedings in this court. The law libraries listed above have copies of this court's local rules available for review. Printed and 3½" diskette versions of the local rules can be purchased from the clerk's office for \$5.00. If you request the printed version of the local rules by mail, you must include a postage prepaid envelope with your request. The amount of postage you need for your return envelope is \$5.15. All charges must be paid at the time you make your request. Requests need to be directed to the Cheyenne clerk's office at:

2120 Capitol Avenue, Room 2131
P.O. Box 727
Cheyenne, WY 82003
307/772-2145

The local rules are available on-line at www.ck10.uscourts.gov/wyoming/district.

ARE THERE CERTAIN TYPES OF CASES IN WHICH LITIGANTS TYPICALLY REPRESENT THEMSELVES?

As noted previously, a litigant may appear **pro se** in any case that is properly within the jurisdiction of this court. There are three categories of cases that are most often filed by *pro se* litigants. They are:

1. Cases alleging denial of civil rights under Title 42, United States Code, Section 1983 that are not filed by prisoners; and
2. Cases alleging denial of civil rights under Title 42, United States Code, Section 1983 filed by persons who are in jail or prison and who challenge their sentences or conditions of confinement.
3. Cases alleging a tort claim which is an injury to an individual. Tort claims brought in federal court are subject to strict jurisdictional requirements.

HOW DO YOU START A NEW CASE?

1. File a complaint.

The plaintiff, or person bringing the lawsuit, files a complaint. The complaint is the document in which the plaintiff asserts the claim(s) or right(s) being violated and outlines the problem or reason for the suit.

The complaint can be filed by hand-delivering it or mailing it to the clerk's office at
2120 Capitol Ave., Room 2131 or 111 S. Wolcott, Room 121
P. O. Box 727 Casper, WY 82601
Cheyenne, WY 82003

Whether you deliver or mail your complaint, you must submit the following:

- a) the original and one copy of the complaint;
- b) the \$150 filing fee, or a motion to proceed *in forma pauperis* if you cannot afford to pay the filing fee. Fees are discussed below.

The complaint will be given a case number and assigned to a district judge by the clerk's office.

2. Serve the complaint.

Each defendant, or person whom the plaintiff claims is responsible for the claim or problem, must be notified of the lawsuit through a process that is specified under law. The responsibility for notifying each defendant rests with the plaintiff and is referred to as **service of process**. The provisions for service of process are described in Rule 4 of the Federal Rules of Civil Procedure. If the service of process requirements are not followed correctly, the case can be dismissed.

After you file your complaint with the clerk's office, you have 120 days to serve it upon the defendant(s). It is your responsibility to properly serve the complaint. If you fail to do so within the 120 days, your case may be dismissed.

The defendant(s) shall be notified of the lawsuit either by service of a summons **or** by waiver of service. The summons and waiver of service forms may be obtained from the clerk's office or from the web site.

Detailed provisions on how to serve the defendant(s) are contained in Rule 4 of the Federal Rules of Civil Procedure. You should carefully review the rule to make sure that you are familiar with those provisions. The service of process requirements can be satisfied in one of three ways:

- i. Personal service. With personal service you direct someone else to deliver, or serve, a copy of the complaint and summons to the defendant(s). This service can be performed by anyone who is over eighteen years of age and who is not a party in the case. Sheriff's departments and private process servers will do this for a fee.

You will need to obtain a summons form from the clerk's office which you will need to complete and present to the clerk's office for issuance. This means that an authorized clerk's office employee will sign the form and emboss it with the official seal of the court.

The person who serves the summons must record on the back of the form his or her name, the name of the person who was served and the date and time of service. This section of the summons form is referred to as the **return of service** and if it is not completed, service of process is not complete. Rule 4 of the Fed.R.Civ.P. also requires confirmation that service has been completed. Such confirmation, or proof of service, that the documents have been served on the defendant(s) requires that the original summons form with the return of service portion completed be returned to the court for filing and that a copy of the form be left with the defendant.

- ii. Waiver of service. Rule 4 of the Fed.R.Civ.P. permits a defendant to waive personal

service of process. This means that the defendant(s) agree(s) to respond to your complaint without being served with it. You can mail the waiver form to the defendant(s). If the defendant(s) complete(s) and return(s) the waiver, you will be spared the burden of personal service.

- iii. Service by the U.S. Marshal. If a judge approves your application for leave to proceed *in forma pauperis*, you may request, in writing, that the judge direct the U.S. Marshal to serve the summons and complaint at government expense. The judge may or may not grant the motion. A sample motion and proposed order are attached as Appendix A.

Once the defendant(s) has/have been served with a copy of the complaint, the defendant(s) must file with the court an answer or some other response within a specified number of days. Under the rules governing service of process, each defendant is required to provide a copy of the response to the plaintiff.

WHAT HAPPENS WHEN ALL DEFENDANTS HAVE RESPONDED?

After all defendants have responded to the complaint, any one of a number of different procedures may occur.

Scheduling Conference. A scheduling conference before the magistrate judge in Cheyenne will be set in most civil cases soon after all defendants have filed a response to the complaint. At this conference, discovery scheduling will be discussed as well as those matters appropriate to readying the case for trial. (See Local Rule 16.1)

Referral to a Magistrate Judge. The district judge to whom the case is assigned may refer the case to the magistrate judge in Cheyenne for assistance in managing it. To do so, the district judge signs an **order of reference**. Subsequent court proceedings will be conducted before the magistrate judge after a case has been referred.

Filing of Motions and Objections. Either party, plaintiff or defendant, may request that the court take specific action related to the case. To do so, the party prepares a formal request or what is referred to as a **motion**. Local Rule 5.1 provides formatting instructions for motions and other papers. The party then signs the motion, submits or **files** it with the clerk of court and sends a copy to the opposing party. The opposing party may file with the clerk of court an **objection** or a **response** to the motion within a specified period of time (see Local Rule 7.1 for time limitations). The objection sets forth the reasons why the court should deny rather than grant the motion.

Motion Review. The district or magistrate judge may schedule hearings to provide the parties with an opportunity to argue the motion and any objections, or the judge may decide a hearing is unnecessary and rule on the motion by issuing a written order.

Dispositive vs. Nondispositive Motions. Motions fall into two broad categories: dispositive and nondispositive. **Dispositive** motions, if granted, dispose of all of the case or a portion of the case; **nondispositive** motions, if granted, affect the case but do not dispose of it. District judges have the authority to rule on both dispositive and nondispositive motions; magistrate judges are authorized to rule on nondispositive motions.

Magistrate Judge Report and Recommendation. Where the case has been referred to a magistrate judge and one of the parties files a dispositive motion, the magistrate judge is authorized to prepare a

written report and recommendation, essentially a recommendation that the motion be either granted or denied and stating the reason why. This report and recommendation is then forwarded to the district judge assigned to the case and copies are sent to the parties. As a party, you have a certain period of time within which to file objections to the report and recommendation. All objections that are received within the specified time are forwarded to the district judge. The district judge reviews the report and recommendation and any objections that have been filed. The district judge then will issue an order that adopts, rejects, or adopts in part and rejects in part the magistrate judge's report and recommendation. Such order is final and can be appealed to the United States Court of Appeals for the Tenth Circuit located in Denver, Colorado.

WHAT COURT FEES AND COSTS ARE YOU REQUIRED TO PAY?

The fees charged by U.S. district courts are as follows:

for filing a complaint and opening a civil case: \$150.00;

for filing a notice of appeal: \$105.00;

for copies of documents from a court file: 50¢ per page;

for a certified copy of a document from a court file: \$7.00 plus the copy fee.

These fees may be paid by cash, check or money order.

If you are unable to pay the filing fee, you may apply for permission to proceed *in forma pauperis*, which is Latin for "in the form of a pauper". Information on filing *in forma pauperis* can be found in Section 4 of this guide. A motion form for filing *in forma pauperis* is attached as Appendix B. This form is also available from the clerk's office. Completed motions are forwarded to the magistrate judge for review. If your motion is denied by the judge, your case cannot proceed until you pay the filing fee.

Waiver of the filing fee does not automatically waive the other costs associated with pursuing or litigating your case. If, for example, you need copies of original documents in your case file, the clerk's office is required to charge the fees mentioned above. Service of your complaint on the other party will entail additional costs unless you have made, and the court has approved, a motion that directs the U.S. Marshal to serve your complaint. Other expenses you may incur are the cost of preparing the original and copies of the papers you file with the court and mailing or hand-delivering copies of each paper to the opposing party to satisfy the requirements of service.

HOW DO YOU SUBMIT DOCUMENTS TO THE COURT?

Case-related documents that ask the court to take specific action are referred to as **motions** or **pleadings**. The plaintiff's complaint and the answer(s) of the defendant(s) are the pleadings; requests for action are generally called motions. If, for example, you want to ask the court to take an action, such as appointing an attorney, you must do so by means of a written motion. A motion should be accompanied by a summary of the law supporting the motion called a **memorandum** and/or by an affidavit or declaration by you that provides the court with facts supporting the granting of the motion. In preparing a motion, you should follow the same general format as the motion for service of process by the U.S. Marshal that is attached to this guide as Appendix A. In preparing motions you should be as specific as possible about the action you would like the court to take.

This court requires parties to **file** an original and one copy of all motions or pleadings with the clerk of court. Staff of the clerk's office file-stamp both, then place the original in the case file and forward the copy the judge for review. Parties may file pleadings and motions with the clerk's office in person or by mail. The clerk's office has two locations, one in Cheyenne and one in Casper. The

addresses, phone numbers and the hours the clerk's offices are open to the public are:

2120 Capitol Ave., Room 2131	or	111 S. Wolcott, Room 121
P. O. Box 727		Casper, WY 82601
Cheyenne, WY 82003		307/261-5440
307/772-2145		8:00 a.m. to 12:00 noon and
8:00 a.m. to 5:00 p.m. weekdays		1:00 p.m. to 5:00 p.m.
excluding holidays		weekdays excluding holidays

You should retain for your own use a copy of all documents you file with the court. When you file documents in person, bring your personal copy with you so staff of the clerk's office can file-stamp it. By doing so, your records will reflect the filing date of the original. If you mail your document and wish to have your copy file-stamped, you should enclose a second copy and a pre-addressed, stamped envelope.

Note: When you submit a document to the court, you must also mail or deliver a copy of the document to the defendant's attorney, or if the defendant has no attorney, to the defendant directly. At the end of your document, you must include a **certificate of service** that states the date you mailed or delivered a copy of the document to the defendant. A sample format for a certificate of service is attached to this guide as Appendix C.

HOW DO YOU OBTAIN INFORMATION ABOUT THE STATUS AND PROGRESS OF YOUR CASE?

The clerk's office maintains a record or **docket** for every case. This docket is a chronological listing of all documents that have been filed in a case. You may review the docket on the public access terminal located at the front counter in the clerk's office. Alternatively, if you have a personal computer and modem with communications software, by registering with the court you can dial up the court's automated PACER system and review your case docket directly from your computer. There is a charge for using this system. For information about how to register you can contact the Cheyenne clerk's office and ask for the systems manager. If you wish to have a paper copy of your docket, the clerk's office will provide it for you at 50¢ per page. Clerk's office staff can also provide basic docket information over the phone.

IS IT POSSIBLE FOR YOU TO SPEAK DIRECTLY TO A JUDGE OR MEMBER OF HIS PERSONAL STAFF ABOUT YOUR CASE?

All parties and their counsel, including parties appearing *pro se*, are prohibited from all private or **ex parte** communication with the judge or judge's staff. *Ex parte* communication occurs when one of the parties to a lawsuit exchanges information about the merits of the case with the assigned judge without the opposing party being present or without the knowledge and consent of the opposing party. With few exceptions because of this prohibition, a judge will refuse to speak or otherwise communicate *ex parte* with any party about the merits of the case. Any communication between the assigned judge and a *pro se* litigant should be in writing and a copy of the communication should be sent either to the opposing party or that party's attorney. For example, a party appearing *pro se* should send to the opposing party a copy of any letter sent to the judge. Moreover, the letter to the judge should indicate that a copy has been sent to the opposing party. As noted above, telephone or personal contact with the judge's staff should be limited to specific scheduling inquiries.

SECTION 2

PROCEDURE FOR FILING A CIVIL RIGHTS ACTION UNDER TITLE 42 UNITED STATES CODE SECTIONS 1983 AND 1985

One type of action frequently filed by *pro se* litigants is alleged denial or violation of an individual's civil rights. In a civil rights complaint, a *pro se* plaintiff is alleging that his or her constitutional rights or privileges or immunities have been violated. The federal law under which a civil rights claim arises is 42 U.S.C. Sections 1983 and 1985.

As noted earlier in this guide, to file an action in this court you first must prepare a complaint. Most complaints filed by *pro se* litigants involve alleged violations of civil rights. To assist *pro se* litigants with the process of filing a federal civil rights complaint, the clerk's office has prepared an information packet called "Information for Filing a Civil Rights Complaint under 42 United States Code Sections 1983 and 1985". The packet includes a sample complaint form that you should use as a guide when you prepare your complaint; it is available at the clerk's office. Your complaint should be either typed or legibly handwritten.

SECTION 3

ACTIONS BROUGHT BY PRISONERS APPEARING PRO SE

Persons who are confined or **incarcerated** in a jail or prison occasionally file *pro se* actions with the court. These actions fall into three general categories.

Appeal of Sentence. This is a criminal action in which a prisoner submits an appeal to have a higher court review the punishment or **sentence** that the trial court imposed. If a person was sentenced by a judge from the United States District Court for the District of Wyoming an appeal is made to the United States Court of Appeals for the Tenth Circuit located in Denver, Colorado. An appeal to the Tenth Circuit is made by filing a **notice of appeal** with the clerk of the district court. Appeals to the Tenth Circuit are governed by the Federal Rules of Appellate Procedure which set forth specific time deadlines for filing an appeal. See Section 1 for information on where you can review those rules.

Writ of Habeas Corpus. In this type of action, the prisoner applies or **petitions** this court for a writ of habeas corpus. This is, in essence, an action that challenges the constitutionality of the confinement and seeks to have the sentence vacated or dismissed.

If you are in state custody, having been sentenced by a state court judge, you may file a petition under 28 U.S.C. §2254. If you are in federal custody, having been sentenced by a federal judge, you may file a motion to vacate sentence under 28 U.S.C. §2255, however, your motion to vacate must be filed with the court where you were sentenced. **Note:** Section 2254 and 2255 proceedings are governed by special rules called Rules Governing Section 2254 and 2255 Proceedings. It is the petitioner's responsibility to become familiar with these rules. They can be found in the Federal Rules of Civil Procedure as well as the Federal Rules of Criminal Procedure.

Prisoner Civil Rights. In this type of action, a prisoner challenges the conditions of confinement or the way he or she is being treated in prison or jail. This type of action generally takes the form of a civil rights complaint.

The clerk's office has prepared separate information packets complete with the required forms for these types of actions. To obtain a copy of the packet you are interested in you should contact the clerk's office.

SECTION 4

APPLICATION TO PROCEED IN FORMA PAUPERIS

As noted earlier in this guide, filing a case in this court requires the plaintiff to pay a \$150 filing fee at the time the new case is filed. If you are unable to pay this fee, you may apply to have payment of the fee waived. Bear in mind that you can apply for waiver of the fee only after your action is filed. The clerk's office will accept your case without payment if, at the time you file it, you also apply for waiver of the fee. If the judge subsequently denies your waiver application, you will be required to pay the \$150 fee; if you do not pay it within a specified period of time, your case will be dismissed.

The application process requires that you complete and submit a motion to proceed *in forma pauperis*. A motion form is attached as Appendix B. Brief instructions for completing the motion are as follows:

At the top of the motion, you must note the name of the case or **case caption**. The case name consists of your name as plaintiff and the name(s) of the defendant(s) on the lines provided. Clerk's office staff will provide the case number at the time the case is filed.

You must answer all questions truthfully and completely. If you own real estate or automobiles that have outstanding mortgages or loans, you should be very specific about your debt balance so the magistrate judge who reviews the motion has accurate information as to the property's value. You must also sign the statement under penalty of perjury

If you are currently incarcerated, you must use the motion form included as part of the prisoner packets for the prisoner cases described in Section 3 of this guide. Do not use the motion form attached as Appendix B.

The completed motion form should be submitted to the clerk's office with your complaint. Clerk's office staff will transmit it with the complaint to the magistrate judge for review. The magistrate judge may grant or deny the motion. Because the process of reviewing your motion may take more than one business day, a copy of the order will be mailed to you by the clerk's office. As noted above, if your motion is denied you must pay the filing fee within the time period specified or your case will be dismissed.

SECTION 5

REQUEST FOR APPOINTMENT OF COUNSEL

Pro se litigants may ask the court to appoint an attorney, or **counsel**, for them in a civil case. Pro se litigants have no right to be represented by court-appointed counsel and the court has no obligation to appoint counsel. The court will appoint counsel in a few select cases where having an attorney seems particularly appropriate or important. If you would like to request that the court appoint counsel to represent you in your lawsuit, you must file a motion for appointment of counsel with the court. The motion should be filed with the complaint. A copy of a motion for appointment of counsel is attached as Appendix D.

APPENDIX A

(Your Name)
(Your Address)
(Your Telephone No.)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	
)	
Defendant(s).)	

MOTION FOR SERVICE OF PROCESS AT GOVERNMENT EXPENSE

The plaintiff hereby moves the court for an order directing the United States Marshal to serve the summons and complaint pursuant to 28 U.S.C. §1915(c).

The court has approved my motion to proceed *in forma pauperis*. The full names and address of the defendants are contained in the complaint.

Dated this _____ day of _____, 20____.

/Sign your name/
Print your name below line

(Your Name)
(Your Address)
(Your Telephone No.)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	
)	
)	
Defendant(s).)	

ORDER DIRECTING SERVICE OF SUMMONS AND COMPLAINT AT GOVERNMENT
EXPENSE

The Court having found the plaintiff to be indigent by granting plaintiff's motion to
proceed in forma pauperis, it is

ORDERED that the United States Marshal serve a copy of the complaint upon the
defendants. All costs of service shall be advanced by the United States.

Dated this _____ day of _____, 20____.

UNITED STATES DISTRICT JUDGE

APPENDIX B

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

_____)	
)	
Plaintiff,)	
)	
vs.)	Case No. _____
)	(To be supplied by the Clerk)
_____)	
)	
_____)	
)	
Defendant(s).)	

**MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*
AND SUPPORTING DECLARATION**

I hereby apply for leave to commence this action for:

_____ Civil rights relief

_____ Other (please describe):

without prepayment of fees and costs or giving security therefor.

In support of my application, I state that the following facts are true:

1) I am the party initiating said action and I believe that I am entitled to relief.

2) The nature of this action is: _____

- 3) I am unable to prepay the costs of this action or give security therefor because of my poverty.
- 4) I have no assets or funds which could be used to prepay the fees or costs, except:
(Write "none" if you have nothing; otherwise list your assets)

- 5) Are you presently employed? ☐ Yes ☐ No

- a) If the answer is "Yes", state the amount of your salary or average wages per month and give the name and address of your employer.

Monthly earnings: _____

Employer's name and _____
address: _____

Employer's telephone number: _____

- b) If the answer is "No", state the date of last employment, name and address of last employer, and the amount of the salary or average wages per month which you received.

Date of last employment: _____

Monthly earnings: _____

Former employer's name, address and telephone number:

6) Have you received within the past twelve months any money from any of the following sources?

a) Business, profession or form of self-employment?

____ Yes ____ No

b) Rent payments, interest or dividends?

____ Yes ____ No

c) Pensions, annuities or life insurance payments?

____ Yes ____ No

d) Social Security, Veterans Administration, disability pensions, workmens' compensation or unemployment benefits?

____ Yes ____ No

e) Gifts or inheritances? ____ Yes ____ No

f) Income from any other sources? ____ Yes ____ No

If the answer to any of the above is "Yes", describe each source of money and state the amount received from each during the past twelve months:

- 7) Do you own any cash or do you have money in a checking or savings account?
_____ Yes _____ No

If the answer is "Yes", state the total value of the items owned:

- 8) Do you own real estate, stocks, bonds, notes, automobiles or other valuable property? (exclude ordinary household furnishings and clothing) _____
Yes _____ No

If the answer is "Yes", describe the property and state its approximate value:

- 9) Describe any additional financial or other information regarding your ability to pay the costs of this action (for example, persons who are dependent upon you for support)

I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I DECLARE (OR CERTIFY, VERIFY OR STATE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. (28 U.S.C. 1746, 18 U.S.C. 1621)

Executed at _____ on _____
(Location) (Date)

(Signature)

APPENDIX C

CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing (insert name of document) was mailed/delivered to [insert name of defendant(s) and address(es) *or* name of attorney(s) and address(es)] on (insert date).

/Sign your name/
Print your name

APPENDIX D

(Your Name)
(Your Address)
(Your Telephone No.)

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	
)	
)	
Defendant(s).)	

MOTION FOR APPOINTMENT OF COUNSEL

The plaintiff in the above-entitled matter hereby moves the court for an order appointing legal counsel to act on his/her behalf. (Insert reason for requesting counsel.)

The court has already approved the plaintiff's motion to file the matter *in forma pauperis*.

Dated this _____ day of _____, 20 ____.

/Sign your name/
Print your name below line